



**INTERSTATE
MINING
COMPACT
COMMISSION**

**ANNUAL
REPORT
2018**

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Executive Director's Message

It is my privilege to present the annual report of the Interstate Mining Compact Commission (IMCC) for 2018. Mid-term elections occupied a good deal of the attention of Congress during the year. Democrats picked up seats in the Senate and took control of the House of Representatives. With a Congress split between the major parties, the administration can be expected to increasingly pursue its goals for the country through executive action. Many of its choices for policy-making positions have settled in and are actively pursuing their objectives. The Compact continued to represent the positions of the member states on a number of important regulatory and legislative fronts throughout the year. This began with the all-important funding decisions for state regulatory programs as part of the congressional appropriations process, and extended to the re-evaluation of national regulatory policy that had significant consequences for the implementation of state programs, IMCC was fully engaged with both Congress and the executive agencies in articulating our concerns and advocating for actions that define and preserve state primacy.

In 2018, the Office of Surface Mining Reclamation and Enforcement (OSMRE) and the Compact engaged in extensive discussions regarding changes to the OSMRE policy directives that establish the basic contours of the federal-state relationship under the Surface Mining Control and Reclamation Act (SMCRA). IMCC also devoted significant effort late in the year to analysis of and providing comment on a proposed biologic assessment (BA) and memorandum of understanding (MOU) between OSMRE and the United States Fish and Wildlife Service (USFWS). These are important foundation documents in the development of a new biologic opinion by the USFWS that will facilitate protection of threatened and endangered species by state regulatory authorities in the SMCRA permitting process, consistent with the Endangered Species Act (ESA).

IMCC also continued its efforts to organize state support of the final decision of the U.S. Environmental Protection Agency (EPA) concerning financial assurance requirements for the hardrock mining industry pursuant to the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA). EPA's decision relied on the strength of existing state regulation of the industry. Challenges to EPA's decision were essentially challenges to the effectiveness of state regulatory programs. IMCC hosted numerous calls of the states and their attorneys for the purpose of developing a coalition of states to intervene in the challenge of EPA's decision that was filed in the U.S. Court of Appeals for the District of Columbia Circuit.

Finally, the Compact was instrumental in making the states' position heard in several key legislative initiatives related to the restoration of abandoned mines (AML). IMCC worked on bills and engaged in legislative discussions related to accelerating distribution of funds from the AML Trust Fund to states for traditional AML reclamation to projects that may also aid in economic revitalization (the RECLAIM Act) and providing liability protection for "Good Samaritans" who undertake AML projects that involve degraded watersheds. IMCC also began a major effort to lay the groundwork for future legislation that will reauthorize collection of the fee that supports the AML program.

It has been my honor to serve as your Executive Director. I encourage all member states to continue their involvement in the Compact as we seek to develop our abundant natural resources in a manner that protects the public, the environment and the nation's miners.

Sincerely,

A handwritten signature in blue ink, appearing to read "Thomas L. Clarke".

Thomas L. Clarke, Executive Director
Interstate Mining Compact Commission

**2018 Annual Report
of the
Interstate Mining Compact Commission**

Thomas L. Clarke
Executive Director

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Administrative Assistant

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About The Cover Photo:

On the cover is a photo of one of the Interstate Mining Compact Commission's 2018 Kenes C. Bowling National Reclamation Award winning sites. The photo is taken of: Freeport-McMoRan, Inc. – Copper Queen Mine (Arizona), winner in the Noncoal Category.

Table of Contents

2018 Officers	1
History and Purpose of the Compact	2
Report of the Executive Director	3
2018 Standing Committees	9
Activities of the Standing Committees	10
Committees and Committee Chairmen and Vice Chairmen for 2019	12
Yearly Commission Meetings	13
Officers Elected for 2019	14
Resolutions	15
Financial Reports	27
Member State Permitting Data	30
Member State Reclaimed Land Use Data	34
2018 Kenes C. Bowling Reclamation Award Winners	36
2018 Minerals Education Award Winners	37
2018 Mine Safety and Health Training Award Winners	38
2018 IMCC Membership	39
2019 Commissioners and Their Representatives	43



Officers 2018

Chairman:

Governor Gary R. Herbert
Utah

Vice Chairman:

Governor Susana Martinez
New Mexico

Treasurer:

Governor Matt Mead
Wyoming

History and Purpose of the Compact

The Southern Governors’ Conference Meeting in San Antonio, Texas in 1964 recognized and came to grips with the problems of surface mining. Governor Edward R. Breathitt of Kentucky and Governor Bellmon of Oklahoma sponsored a resolution which in part read: “Whereas the Council of State Governments sponsored an interstate conference, in which surface mining problems of the states were reviewed, and whereas such conference underlined the desirability of action by industry to utilize techniques designed to minimize waste of our natural resources and the desirability of action by the states to assure adherence to sound standards and procedures by the mining industry: Now, therefore, be it resolved by the Southern Governors’ Conference that the Council of State Governments be requested to assist representatives of the states in which surface mining takes place in exploring the possible role of interstate action, through Compact and otherwise, in this field.”

The Interstate Mining Compact Commission (IMCC) was thus conceived and Kentucky became its first member followed by Pennsylvania and North Carolina. With the entry of Oklahoma in 1971, the Compact was declared to be in existence and operational. In February 1972, permanent headquarters were established in Lexington, Kentucky and an executive director was retained. Since that time, twenty-two additional states – West Virginia, South Carolina, Maryland, Tennessee, Indiana, Illinois, Texas, Alabama, Virginia, Ohio, Louisiana, Arkansas, New Mexico, Missouri, New York, North Dakota, Utah, Wyoming, Alaska, Colorado, Nevada, and Mississippi – have become members. New Mexico withdrew from the Compact in 1991 as a full member but rejoined as an associate member in 2000 and again became a full member in 2016. New York joined the Compact as its first associate member state in 1994. Since then the following have also joined as associate members: North Dakota (200), Utah (2004), Wyoming (2005), Alaska (2006), Colorado (2007), Nevada (2012),

Mississippi (2013), and Arizona (2016). Mississippi, New York, North Dakota, Utah, Alaska, Wyoming, and New Mexico are now all full members. Due to financial constraints, Nevada chose to withdraw its associate membership in May of 2015.

The Mining Compact is designed to be advisory, not regulatory in nature, and its defined purposes are to:

- Advance the protection and restoration of the land, water, and other resources affected by mining;
- Assist in the reduction or elimination or counteracting of pollution or deterioration of land, water, and air attributable to mining;
- Encourage (with due recognition of relevant regional, physical, and other differences) programs in each of the party states which will achieve comparable results in protecting, conserving, and improving the usefulness of natural resources, to the end that the most desirable conduct of mining and related operations may be universally facilitated;
- Assist the party states in their efforts to facilitate the use of land and other resources affected by mining, so that such may be consistent with sound land use, public health, and public safety, and to this end study and recommend, wherever desirable, techniques for the improvement, restoration, or protection of such land and other resources; and
- Assist in achieving and maintaining an efficient and productive mining industry and increasing economic and other benefits attributable to mining.

Report of the Executive Director

The following is a report on recent activities of the Interstate Mining Compact Commission (IMCC) throughout 2018, as well as a report on the Executive Director's performance goals for the same period of time. For presentation purposes, the report is organized by performance goal.

Overview

In the Administration's second year in office, many of its choices for key policy positions in the various agencies are in place and are pursuing its approaches to government. The strongest themes have been deregulation and streamlining to reduce the burden of government on private enterprise. Particular areas of focus have been actions to increase national security and America's production of energy. These efforts to streamline approvals for projects that will produce solid fuels for energy or minerals that are critical to national security must necessarily involve state mining regulators. The federal/state relationship that lies at the center of effective implementation of the nation's environmental laws constitutes the states as the primary regulatory authorities. Accordingly, there is greater emphasis on partnering with state governments in a new era of "Cooperative Federalism". IMCC has been heavily engaged with the new team of players in the executive agencies.

Some of the issues that have been of more immediate concern include rulemakings and various policies and that were carried over from the previous Administration. Among them are the EPA rulemaking on financial assurances for the hardrock mining industry pursuant to section 108(b) of the Comprehensive Emergency Response, Compensation and Liability Act (CERCLA). EPA concluded this effort with a decision not to regulate, largely on the basis that, as pointed out by IMCC comments, existing state regulatory programs and state financial assurance requirements made imposition of federal financial assurance requirements unnecessary. Litigation over the propriety of this decision ensued. IMCC

has also been engaged with the Office of Surface Mining Reclamation and Enforcement (OSMRE) in a reexamination of the policies that define and establish the federal-state relationship to restore the balance that was intended by the Surface Mine Control and Reclamation Act (SMCRA). IMCC, OSMRE and the U.S. Fish and Wildlife Service (FWS) continue to work toward development of a new biological opinion and accompanying memorandum of understanding related to endangered species issues under SMCRA. IMCC, in conjunction with the National Association of Abandoned Mine Land Programs (NAAML), and in cooperation with OSMRE, has also been involved in rather intensive efforts to develop and be able to provide accurate information regarding the Abandoned Mine Lands (AML) programs for the public and policy makers as Congress begins to consider re-authorization of collection of AML fees during 2019.

Improve Methods for Communication with and Information Exchange Among the Member States (and State Government Organizations) to Enhance State Regulatory Program Implementation

During the year, IMCC published three "Compact" e-newsletters and sent approximately 51 informational e-memos to the member states on the following subjects: the transitions in federal agencies; Fiscal Year 2018 and 2019 appropriations; AML and Good Samaritan issues; EPA's CERCLA 108(b) rulemaking regarding financial assurance requirements for the hardrock mining industry and the legal challenges that have followed; OSMRE policies, especially related to the basic contours of the federal – state relationship under the Surface Mine Control and Reclamation Act (SMCRA); proposed changes to implementing regulations under the National Environmental Policy Act (NEPA); proposed changes to implementing regulations under the Endangered Species Act (ESA); the definition of "Waters of the U.S."; the developing interpretations of Clean Water Act's application to

discharges that flow through groundwater; and endangered species protection, particularly a new biological opinion and draft MOU between OSMRE and FWS. These e-memos were in addition to those regarding meeting announcements and logistics and conference calls.

IMCC continues its working relationship with the National Association of Abandoned Mine Land Programs (NAAMLPL) and participated in both the NAAMLPL Annual Winter Conference and Business Meeting from February 5 to 6 in San Antonio, Texas and the NAAMLPL Annual Winter Conference and Business Meeting from September 9 to 12 in Williamsburg, Virginia. IMCC provided regulatory and legislative issues briefings at the committee and business meetings on both occasions.

In conjunction with the NAAMLPL Annual Conference in Williamsburg, IMCC organized and coordinated a briefing on AML Re-Authorization issues for Department of Interior Assistant Secretary for Land and Minerals Management Joseph Balash on September 10. A small group of AML program representatives from various states participated in the briefing, which covered topics such as how the AML program works, the accomplishments of the AML program, and the remaining need for AML work.

On March 15, the House Energy and Minerals Resources Subcommittee held an oversight hearing on the status of hardrock AML reclamation work. Autumn Coleman of Montana and Jeff Graves of Colorado served as witnesses representing the perspectives of the states. IMCC prepared Ms. Coleman's written and oral testimony and worked with both Ms. Coleman and Mr. Graves on witness preparation. IMCC also drafted a response to Questions for the Record, which was submitted March 19th.

IMCC worked with House Energy and Minerals Resources Subcommittee staff to develop draft legislation for hardrock AML Good Samaritan protections based on the model of the Community Reclamation Partnerships Act (H.R. 2937), on which IMCC had worked closely with the Subcommittee during 2017. Several

conference calls and meetings were held with Subcommittee staff to discuss the design of a draft bill and plans for an oversight hearing featuring the draft bill, but the hearing did not ultimately come to fruition. IMCC also consulted with Senator Gardner's staff regarding a separate Good Samaritan legislative initiative.

IMCC consulted with industry and NGO stakeholders throughout the year on the status of Good Samaritan legislation. IMCC held conference calls with the National Mining Association on April 19 and August 31, and a call with the American Exploration and Mining Association (AEMA) on August 25. IMCC has been in ongoing communication regarding Good Samaritan legislation with representatives of Trout Unlimited. IMCC participated in a Summit regarding Good Samaritan legislation at the Colorado school of mines on April 26, which featured participation by NMA, AEMA, TU, Senator Gardner's and Energy and Minerals Resources Subcommittee staff, and other important stakeholders.

IMCC held a series of conference calls with state AML programs related to hardrock Good Samaritan efforts. A hardrock AML committee call was held on May 4, and calls were held with representatives of the California programs with responsibility for AML work on May 18, May 24, and June 29.

IMCC worked with the Government Accountability Office (GAO) to initiate a new study of the circumstances around hardrock AML, with emphasis on Good Samaritan protections. GAO reached out to IMCC for assistance in outlining and understanding the issues at play in the hardrock AML arena. To this end, a conference call was held with GAO on July 30. IMCC provided GAO with contact information for key hardrock AML programs to continue its study.

IMCC has also been in consultation with the Environmental Protection Agency (EPA) regarding Good Samaritan protections for hardrock AML work. IMCC met with EPA staff at EPA offices on March 21 to discuss hardrock AML and potential avenues for facilitating water

treatment efforts, particularly with respect to the participation of Good Samaritan groups. IMCC held a follow up conference call on March 26 and held an ongoing series of calls with EPA staff on these topics throughout the year. IMCC assisted EPA in understanding circumstances in state AML programs and coordinated feedback from the states on potential demonstration projects for EPA's plans to facilitate source control projects through CERCLA. An e-memo was sent to the NAAML P hardrock AML committee requesting feedback on the EPA proposal on September 24. A similar e-memo was sent to IMCC's Noncoal Committee on October 1.

IMCC submitted statements to the House and Senate Appropriations Subcommittees dated April 26 regarding the proposed budget for FY 2018 for the Departments of Interior and Labor. Prior to submission of the statement with regard to the proposed budget for Interior, IMCC had canvassed every member state with a Title V program regarding its actual anticipated need for Title V funding. Also, on behalf of the NAAML P, IMCC drafted and submitted written statements of the same date regarding the proposed Fiscal Year 2019 budget for OSMRE.

With regard to EPA's decision to not issue a rule under Section 108(b) of CERCLA that would establish financial assurance requirements for the hardrock mining sector, IMCC initiated and moderated five conference calls after this decision was made with interested state representatives from both IMCC member and non-member states to try to bring together a coalition of states to represent the unique sovereign interests of the states in the inevitable legal challenge to this EPA decision that was to come. Ultimately, a coalition of agencies or state attorneys general from fourteen states came together to intervene in the legal challenge of this decision in the U.S. Court of Appeals for the D.C. Circuit. The states' joint brief as Intervenor is due November 30, 2018.

Enhance Existing Working Relationships with Federal Government Agencies and Congress to Effectively Communicate State Positions on Key Issues and to Foster Partnerships

IMCC and the Mine Safety and Health Administration (MSHA) signed a new Memorandum of Understanding (MOU) on March 13, calling for encouragement of a culture of safety and compliance, minimization of duplication of efforts, consistent enforcement, reduction of the potential for conflicting standards, effective training and working together through consultation and collaboration. Implementing the commitments made in this MOU, IMCC held a States meeting with Assistant Secretary of Labor for Mine Safety and Health, David G. Zatezalo, and his leadership team at MSHA Headquarters on June 26. The meeting began with a briefing by Assistant Secretary Zatezalo on his priorities at MSHA. IMCC Executive Director Tom Clarke emphasized to MSHA leadership that States share the same goal of assuring safe and healthy work environments for miners and should not be seen as simply another group of stakeholders. Instead, MSHA should view States as a partner in a team effort to protect the nation's miners. This was followed by discussion of the many topics of interest to the States in the area of mine safety and health, including federal state cooperation, certification of mine foremen, the status of training grants, mine rescue contests, resolution of technical issues on proximity detectors, MSHA's use of section 103(j) and (k) orders and coordination of coal/gas reviews.

Following the SMCRA Title V and Title IV Summits of the States that IMCC and OSMRE co-sponsored last year, much work has continued on both fronts. In the wake of the Title V Summit, work has concentrated on revisions to the core OSMRE policies governing the federal-state relationship under SMCRA, REG-8 and INE-35. IMCC conducted a number of conference calls among a state workgroup, and between this group and OSMRE from February through July. Much progress has been made toward final products on the policies dealing with federal oversight of state and tribal programs and with ten-day notices and federal enforcement. A charter is being developed for a work group on program funding. Discussions concerning training are taking place in the context of the Joint OSMRE/State Steering Committee for the TIPS and NTTP training programs mentioned above.

Efforts on state program amendments and NEPA remain under discussion.

As a result of the withdrawal of the 2016 Biological Opinion (BiOp) issued by the FWS, OSMRE requested re-initiation of consultation under section 7 of the Endangered Species Act (ESA) for the development of a new BiOp as a replacement, along with a MOU between OSMRE and FWS. At the request of the Interior Department, IMCC held a meeting with OSMRE and Interior representatives in Washington on May 10 to discuss the basis for re-initiation of consultation. On October 18, OSMRE supplied IMCC with a draft Biological Assessment (BA), a draft Memorandum of Understanding between it and the FWS and a plan for development of a new BiOp over the next ten months for review and comment. The plan includes robust opportunities for state participation in this process through IMCC.

IMCC continues to coordinate the participation of the states on the Joint OSMRE/State Steering Committee for the National Technical Training Program (NTTP) and Technical Innovation and Professional Services (TIPS). A meeting of the Steering Committee was held the week of August 3.

IMCC's work on coal AML issues was dominated by activity related to the OSMRE/states Summit on SMCRA Title IV issues (the "AML Summit") held in December of 2017. The AML Summit established six workgroups comprised of state and OSMRE representatives to follow up on the issues identified during the Summit, which include e-AMLIS, AML-1, Data, Messaging, NEPA, and grants process. To minimize overlap among these various groups and assure that the overall effort was well managed, IMCC also established an AML steering work group to guide the states' efforts on AML summit issues and on preparation for reauthorization of the AML fee. IMCC held and/or participated in fifteen conference calls related to Summit work groups during the reporting period. A meeting was held with OSMRE staff to discuss Summit progress on June 22.

IMCC also cooperated with certified state AML programs and OSMRE staff on resolution of the Office of the Inspector General Report related pertaining to certified state AML programs. IMCC assisted in preparation of recommendations for resolving the report from the states. Conference calls were held between IMCC, certified states, and OSMRE on August 7 and on October 3.

IMCC has been heavily involved in assisting NAAML and the AML programs in the preparation of informational materials related to reauthorization of the SMCRA Title IV AML fee. The documents prepared by IMCC include: an e-AMLIS disclaimer draft, messaging plan, outreach plan and organization list, draft AML legislation, a Frequently Asked Questions (FAQ) related to AML, a state briefing outline, and state accomplishments template. IMCC also held numerous conversations with states and with stakeholders regarding circumstances surrounding reauthorization. IMCC met with House Energy and Minerals Resources Subcommittee staff on June 26, September 25 and December 19 to discuss the AML program and strategy for reauthorization.

IMCC participated in several OSMRE/State Regional meetings during the period as follows: Western OSMRE/States Regional Meeting on August 7 in Santa Fe, NM (followed by a states-only meeting on August 8); Appalachian OSMRE/States Regional Meeting on August 14 and 15 in Wheeling, WV; Mid-Continent OSMRE/States Regional Meeting on August 28 and 29 in Kansas City, MO. At each of these meetings, IMCC Executive Director Tom Clarke presented updates on legislative, regulatory and policy issues.

On September 6, Tom Clarke provided a briefing on U.S. mineral extraction and regulation, with an emphasis on elements of federal and state mine safety and health programs in the U.S. programs that merited consideration in designing a mine safety and health program elsewhere to a group of delegates from the State Administration of Coal Mine Safety of the Peoples Republic of China in Falls Church, Virginia.

Advance the Organizational, Institutional, Financial and Administrative Integrity of IMCC. Pursue Additional Member States and Retain Existing Member States

Within three months of joining IMCC, new Executive Director Tom Clarke conducted interviews with the leadership of the agencies who serve as governors' official delegates to IMCC from each member and associate member state. Each interview ranged from a little over an hour to an hour and a half, or more. The interviews were intended to allow Mr. Clarke to develop closer relationships with state agency leadership and to understand the "lay of the land" as pertains to the mining regulatory environment and the political and policy atmosphere in each state. The interviews were a valuable part of Mr. Clarke's transition to the office of Executive Director.

In today's environment, organizations which have no presence on the internet virtually have no presence. To enhance IMCC's presence in the electronic world, IMCC has developed and rolled out a redesigned website, <http://imcc.isa.us/>. With the redesigned website, IMCC intends to not only focus on the issues that are important to the states but also to highlight the good work the states are doing in controlling adverse environmental impacts of mining, ensuring that America's miners work in a safe and healthy environment and restoring lands and waters that were impacted by historic, unregulated mining to productive use. Toward that end, we are emphasizing the exemplary work of IMCC Reclamation Award winners as well as reclamation projects that have achieved productive post-mining land uses. Additional content and ideas that help illustrate the importance and quality of the work the states are doing as the primary, front-line regulators of the mining industry are being sought. A good website will always be a work in progress. IMCC is committed to maintaining a vital, current website.

IMCC staff toured Arch Coal's Leer Mine, an underground longwall coal mine, near Grafton, West Virginia on August 23. The tour included a complete, comprehensive explanation of all aspects of the operation, from business and

profitability, to coal production, health and safety and environmental concerns. Staff were able to view the longwall while in operation, the preparation plant from top to bottom, the loadout, and the refuse area. The tour provided a new appreciation for and perspective on the work of our member states and this segment of the industry they regulate. We intend to continue efforts for staff to gain appreciation of the work of the states and the mining industry as the opportunities may present themselves.

The States of Colorado and Arizona continue to look for appropriate opportunities to advance legislation to bring them into the Compact as full members. IMCC continues to discuss membership with the states of Florida, Montana, and Idaho.

IMCC Executive Director Tom Clarke visited Arizona in May, at the invitation of the Arizona Mining Association to speak at its annual meeting. The presentation included information about IMCC as an organization, its history, recent activities with Congress and federal agencies on behalf of the states, and other topics. While in Arizona, Mr. Clarke met with representatives of the Arizona Department of Environmental Quality. Mr. Clarke also visited Wyoming during the week of June 4th to 8th. While there, he participated in a tour of several mining operations across the state, including a trona mine, an in situ uranium recovery and processing operation, a bentonite mine and a coal mining operation in the Powder River basin. Other participants in the mine tour included Todd Parfitt and Kyle Wendtland of the Wyoming Department of Environmental Quality, and Assistant Secretary of the Interior for Land and Minerals Management, Joe Balash. While in Wyoming, Mr. Clarke also attended a meeting of the Wyoming Mining Association and met with its Board of Directors in Jackson, Wyoming on June 6. In Cheyenne, Wyoming, Mr. Clarke met with Alan Edwards and Keith Guille of the Wyoming Department of Environmental Quality on June 7, to discuss Abandoned Mine Lands issues, the "Our Work's Not Done" website and a video project Mr. Guille volunteered to do for IMCC.

On August 8, Mr. Clarke met with Fernando Martinez and Matthias Sayer of the New Mexico Energy, Minerals and Natural Resources Department at their offices in Santa Fe, New Mexico.

IMCC continues its contract for legislative and regulatory affairs services with the NAAMLPLP in the amount of \$30,000.

IMCC conducted its FY 2018 audit on July 26, and a copy of the auditors' report was distributed to the member states via e-mail of September 21. IMCC has a contract for accounting and bookkeeping services with Beck and Company, replacing our part-time bookkeeper of 30 years, Phyllis Plummer, who retired at the end of 2017. The audit results were reviewed and approved at the Mid-Year meeting in Biloxi.

The IMCC Finance and Administrative Committee met via conference call on October 4, to discuss the results of the FY 2018 audit, hear a report on IMCC's financial condition, review budgets for Fiscal Years 2020 and 2021, discuss projected dues assessments for FY 2020 and 2021 and review staff compensation.

The IMCC Executive Committee met via conference call on October 12 to discuss proposed changes to IMCC's bylaws, a proposed consulting contract with Greg Conrad for services related to AML Re-Authorization, information campaigns as part of AML Re-Authorization and proposed resolutions.

2018 Standing Committees

Environmental Affairs Committee

Coal Section

Jim Stephens, Arkansas, Chairman

Jonathan Hall, Alabama, Vice Chairman

Noncoal Section

Larry Lehman, Missouri, Chairman

Stephen Lee, Louisiana, Vice Chairman

Abandoned Mine Lands Committee

Rob Rice, West Virginia, Chairman

Marvin Ellis, Indiana, Vice Chairman

Mine Safety and Health

Tom Benner, Illinois, Chairman

Craig Carson, Pennsylvania, Vice Chairman

Finance and Administrative Committee

Todd Parfitt, Wyoming, Chairman

Lanny Erdos, Ohio, Vice Chairman

Resolutions Committee

John Baza, Utah, Chairman

Fernando Martinez, New Mexico, Vice Chairman

Awards Committee

Dean Moos, North Dakota, Chairman

Ed Larrimore, Maryland, Vice Chairman

(Members of the 2018 Awards Committee: North Dakota, Illinois, Maryland, Kentucky, Arizona)

Legal Advisor

Nick San Diego, Illinois

Minerals Education Work Group

Wendy Hamilton, South Carolina, Chairman

Activities of the Standing Committees

Finance and Administrative Committee

The committee met on four occasions during 2018. The committee met via conference call on March 15 to discuss and tentatively approve the proposed budget for Fiscal Year (FY) 2019 to prepare recommendations for staff compensation. On April 9, the committee met in Charlotte, North Carolina in conjunction with the Compact's Annual Meeting. The committee reviewed the Compact's financial condition; were updated on the action items from the March 15 conference call; reviewed the staff workload and compensation recommendations; and were updated by current associate member states regarding their membership status.

On October 4, the committee met by conference call to discuss the its agenda for the upcoming Mid-Year Meeting, specifically including the annual audit, financial condition of the Compact, projected budgets for Fiscal Years 2020 and 2021 and the dues for these Fiscal Years based upon these projected budgets. On October 24, the committee met in Biloxi, Mississippi in conjunction with the Compact's Mid-Year Meeting. The committee reviewed the Compact's current financial condition; reviewed and approved the Compact's FY 2018 Audit; were updated by current associate member states regarding their membership status; and discussed administrative matters as well as employee compensation.

Resolutions Committee

The committee met twice in 2018. On April 9 in conjunction with the Compact's Annual Meeting in Charlotte, North Carolina the committee recommended approval of two resolutions of appreciation. (See *Resolutions* section of this Annual Report.)

On October 24 in conjunction with the IMCC Mid-Year Meeting in Biloxi, Mississippi, the committee met jointly with the Finance and

Administrative Committee and recommended approval of two policy resolutions as well as 4 resolutions of appreciation. (See *Resolutions* section of this Annual Report.)

Environmental Affairs Committee – Coal Section

The Coal Section of the Environmental Affairs Committee met on April 10, 2018 in Charlotte, North Carolina in conjunction with the Compact's Annual Meeting. The committee was updated on recent progress with the Surface Mining Control and Reclamation Act (SMCRA) Title V Summit initiative and work group updates; and discussed the status of State Program Amendments, E-Permitting, the OSMRE Training Program, and the status of the Office of Surface Mining Reclamation and Enforcement (OSMRE)/Fish and Wildlife Service (FWS) Memorandum of Understanding (MOU) and Biological Opinion.

On October 23, 2018, the committee met in conjunction with the IMCC Mid-Year Meeting in Biloxi, Mississippi. Among the topics discussed were: recent progress with OSMRE directives REG-8 and INE-35, the status of OSMRE's re-initiation of consultation with the U.S. Fish & Wildlife Service, and an update on FY 2019 Appropriations.

Environmental Affairs Committee – Noncoal Section

The Noncoal Section of the Environmental Affairs Committee met twice in 2018. On April 10 in Charlotte, North Carolina the committee met in conjunction with the Compact's Annual Meeting. The committee met again on October 23 in Biloxi, Mississippi in conjunction with the Mid-Year Meeting. Topics discussed at the April 10 meeting included: recent activities affecting noncoal states; and updates on Hardrock Good Samaritan legislative efforts, the Environmental Protection Agency's (EPA) final

action decision on the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) 108(b) rulemaking, and Arizona’s process to obtain primacy for underground injection control and 404 permits.

Topics of discussion at the committee meeting held on October 23 included: CERCLA 108(b) litigation, Hardrock Good Samaritan developments, the Interior Department Critical Minerals Report, Clean Water Act Jurisdiction, NEPA reform, and Endangered Species Act (ESA) reform.

Abandoned Mine Lands Committee

The Abandoned Mine Lands (AML) Committee met jointly with the Coal Section of the Environmental Affairs Committee on two occasions – April 10 in Charlotte, North Carolina in conjunction with the IMCC Annual Meeting, and October 23 in Biloxi, Mississippi in conjunction with the Compact’s Mid-Year Meeting. At the April 10 meeting, the committee discussed the following topics: a review of the National Association of Abandoned Mine Land Program’s (NAAML) winter business meeting in San Antonio, Texas; and updates on AML Pilot Program and funding for FY2018 and Title IV summit work groups.

At the October 23 meeting, topics discussed included: AML program reauthorization efforts; the new “OurWorksNotDone” AML website, and the 2017 Inspector General Report regarding the certified AML programs.

Mine Safety & Health Committee

The Mine Safety & Health Committee met jointly with the Noncoal Section of the Environmental Affairs Committee on two occasions in 2018 – on April 10 in Charlotte, North Carolina in conjunction with the Compact’s Annual Meeting, and on October 23 in Biloxi, Mississippi in conjunction with IMCC’s Mid-Year Meeting. Topics of discussion at the April 10 meeting included: potential topics for the IMCC/Mine Safety and Health Administration (MSHA) meeting in June, the IMCC and MSHA Memorandum of Understanding (MOU), MSHA funding for state training grants; MSHA’s use of Section 103(j) and 103(k) orders during a mine emergency, and MSHA jurisdiction at AML projects.

Topics discussed at the October 23 meeting included: IMCC’s meeting with MSHA Assistant Secretary Zatezalo, mine rescue contests, and the status of MSHA-state MOU’s.

Awards Committee

The Awards Committee met via conference call on February 25, 2018 to select winners of the 2018 Kenes C. Bowling National Reclamation Awards. The Education Work Group met via conference call on February 25, 2018 to select winners of the 2018 IMCC National Minerals Education Awards. On February 27, 2018, the Mine Safety & Health Committee met via conference call to select the winners of the annual Mine Safety and Health Training Awards.

The award recipients are listed elsewhere in this Annual Report. The awards were presented at the Annual Awards Banquet on April 10, 2018, which was held in conjunction with IMCC’s Annual Meeting in Charlotte, North Carolina.

Committees and Committee Chairmen and Vice Chairmen for 2019

Environmental Affairs Committee

Coal Section

Kathy Love, Alabama, Chairman

Nick San Diego, Illinois, Vice Chairman

Noncoal Section

Stephen Lee, Louisiana, Chairman

Dana Dean, Utah, Vice Chairman

Abandoned Mine Lands Committee

Marvin Ellis, Indiana, Chairman

Butch Lambert, Virginia, Vice Chairman

Mine Safety and Health

Craig Carson, Pennsylvania, Chairman

Matthew Korn, South Carolina, Vice Chairman

Finance and Administrative Committee

Lanny Erdos, Ohio, Chairman

Jim Stephens, Arkansas, Vice Chairman

Resolutions Committee

Fernando Martinez, New Mexico, Chairman

Todd Parfitt, Wyoming, Vice Chairman

Awards Committee

Ed Larrimore, Maryland, Chairman

Mary Ann Pritchard, Oklahoma, Vice Chairman

Members of the 2019 Reclamation Awards Committee: Maryland, North Dakota, Arkansas, Louisiana

Members of the 2019 Education Awards Committee: Maryland, South Carolina, Indiana

Members of the 2019 Mine Safety and Health Awards Committee: Oklahoma, Ohio

Legal Advisor

Russ Hunter, West Virginia

Minerals Education Work Group

Molly Michaelson, Maryland, Chairman

Yearly Commission Meetings

2018 Annual Meeting – Charlotte, North Carolina

The 2018 Annual Meeting was held at the Omni Hotel in Charlotte, North Carolina from April 8-11, 2018. Twenty-four of the twenty-six member states were in attendance. Representatives from the state of Montana were also in attendance. Attendees consisted of approximately 60 people, including IMCC staff members, other state representatives, and federal officials. The meeting was highlighted by the committee meetings, the annual commission business meeting, the annual awards banquet, a welcome reception, and an evening social reception.

The meeting began with welcoming remarks from Toby Vinson from North Carolina Department of Environmental Quality. Following the welcome, the Honorable Joe Balash, Assistant Secretary for Land and Minerals Management with the U.S. Department of the Interior, served as the Opening Speaker for the Interstate Mining Compact Commission States meeting with the Department of the Interior. The Finance and Administrative Committee met later that afternoon. The day concluded with a dinner celebrating the retiring IMCC Executive Director, Greg Conrad.

IMCC standing committee meetings continued on April 10 (see *Activities of the Standing Committees*). That evening the IMCC Annual Awards Banquet was held and the 2018 National Reclamation, Minerals Education and Mine Safety and Health Training Awards were presented. (See *Awards* section later in this report for details.)

The Commission's annual business meeting was held on April 11. The meeting was chaired by John Baza of Utah on behalf of the Compact's Chairman, Governor Gary Herbert. Subjects of action and discussion included: approval of minutes of the Compact's November, 2017 Mid-Year Business meeting in Washington, DC; the Executive Director's Report (see *Report of the Executive Director*); approval of standing

committee action items; potential revisions to the IMCC bylaws, and future IMCC meetings.

2018 Mid-Year Meeting – Biloxi, Mississippi

The Mid-Year Meeting of the IMCC was held in Biloxi, Mississippi at the IP Hotel, October 22 – 24, 2018. Twenty-two of the twenty-six member states were in attendance. Attendees consisted of approximately 60 persons, including IMCC members, other state representatives, and federal officials. On Monday October 22, Dr. David Dockery, III, State Geologist of Mississippi and Director of the Department of Environmental Quality Office of Geology, welcomed everyone to Mississippi. The meeting began as IMCC was joined by officials from the Office of Surface Mining Reclamation and Enforcement (OSMRE), as well as Assistant Secretary for Land and Minerals Management, Joe Balash, for a reprise of the Surface Mining Control and Reclamation Act (SMCRA) Title IV and V Summits.

The standing committee meetings commenced in the morning of October 23. Standing committee meetings resumed in the afternoon, and the day concluded with a welcome reception.

Committee meetings recommenced the morning of October 24, followed by the Commission's Mid-Year Business Meeting, which concluded the Meeting. The meeting was chaired by John Baza of Utah on behalf of the Compact's Chairman, Governor Gary Herbert. Among the topics addressed at the meeting were: approval of minutes of the April 11, 2018 Annual Business Meeting in Charlotte, North Carolina; the Executive Director's Report (see *Report of the Executive Director*); approval of standing committee action items; election of officers for 2019; appointment of committee chairs for 2019; and future IMCC meetings.

Officers Elected for 2019

Chairman:

Governor Michelle Lujan Grisham
New Mexico

Vice Chairman:

Governor Mark Gordon
Wyoming

Treasurer:

Governor Mike DeWine
Ohio

Resolution
Interstate Mining Compact Commission

BE IT KNOWN THAT:

WHEREAS, Gregory E. Conrad has served as Executive Director of the Interstate Mining Compact Commission (IMCC) for 30 years; and

WHEREAS, Greg has provided superlative leadership skills and dedicated service during these years that have contributed greatly to addressing the important natural resource, environmental protection, and mine safety and health issues on behalf of all of the IMCC member states; and

WHEREAS, Greg has grown the organization as a result of his knowledge, skills, and expertise to be recognized as a relevant and credible source of technical and policy information related to the mining industry and the state regulatory programs that oversee such mining activity in the U.S., and

WHEREAS, Greg has now chosen to retire from his executive position with IMCC to pursue his other interests, passions, and life goals; and

WHEREAS, Greg will be greatly missed in his professional service to IMCC;

NOW THEREFORE BE IT RESOLVED:

That the member states of the Interstate Mining Compact Commission, who have had the honor and privilege of working closely with Greg Conrad over the years, express their sincere appreciation and heartfelt thanks to him for all he has done on behalf of the states and IMCC and wish him all the best in his retirement from public service.

BE IT ALSO RESOLVED:

That the states' delegates who have been fortunate to work closely with Greg Conrad honor him for his outstanding character and the positive relationships that he has forged over many years of dedicated service to IMCC, and bid a fond farewell to him with high hopes that he will continue to have the blessings of friends, family, and deity for many years to come.

Issued this 9th day of April, 2018

ATTEST:



Thomas L. Clarke
Executive Director

Resolution
Interstate Mining Compact Commission

BE IT KNOWN THAT:

WHEREAS, Beth A. Botsis has loyally served the Interstate Mining Compact Commission (IMCC) in many ways for 30 years, most recently as Deputy Executive Director; and

WHEREAS, Beth has provided dedicated service during these years that has contributed greatly to IMCC's ability to address important natural resource, environmental protection, and mine safety and health issues on behalf of all of the IMCC member states; and

WHEREAS, Beth has made many significant contributions to the growth of the organization to be recognized as a relevant and credible source of technical and policy information related to the mining industry and the state regulatory programs that oversee such mining activity in the U.S., and

WHEREAS, Beth has now chosen to retire from her position with IMCC to pursue her other interests, passions, and life goals; and

WHEREAS, Beth will be greatly missed in her service to IMCC;

NOW THEREFORE BE IT RESOLVED:

That the member states of the Interstate Mining Compact Commission, who have had the honor and privilege of working closely with Beth Botsis over the years, express their sincere appreciation and heartfelt thanks to her for all she has done on behalf of the states and IMCC and wish her all the best in her retirement from public service.

BE IT ALSO RESOLVED:

That the states' delegates who have been fortunate to work closely with Beth Botsis honor her for her outstanding character and the positive relationships that she has forged over many years of dedicated service to IMCC, and bid a fond farewell to her with high hopes that she will continue to have the blessings of friends, family, and deity for many years to come.

Issued this 9th day of April, 2018

ATTEST:



Thomas L. Clarke
Executive Director

Resolution

Interstate Mining Compact Commission

BE IT KNOWN THAT:

WHEREAS, The Interstate Mining Compact Commission's (IMCC) Annual Meeting in Charlotte, NC was honored by the presence of The Honorable Joe Balash, Assistant Secretary for Land and Minerals Management, U.S. Department of the Interior; and

WHEREAS, Assistant Secretary Balash presented the opening remarks on April 9, 2018; and

WHEREAS, Assistant Secretary Balash shared valuable insights and information with the IMCC member states regarding his department's programs and policies, particularly as they affect state governments;

NOW THEREFORE BE IT RESOLVED:

That the Interstate Mining Compact Commission expresses its gratitude to Assistant Secretary Balash for his participation in making this year's Annual Meeting an outstanding success; and

That IMCC recognizes and appreciates Assistant Secretary Balash's strong support for cooperative federalism.

Issued this 11th day of April, 2018

ATTEST:



Thomas L. Clarke
Executive Director

Resolution

Interstate Mining Compact Commission

BE IT KNOWN THAT:

WHEREAS, Toby Vinson served as the host of the annual meeting for the Interstate Mining Compact Commission (IMCC) in Charlotte, North Carolina from April 8 – 11, 2018; and

WHEREAS, Mr. Vinson also served as the Master of Ceremonies at the Awards Banquet on April 10; and

WHEREAS, our host warmly welcomed and generously extended Tar Heel hospitality to all attendees;

NOW THEREFORE BE IT RESOLVED:

That the Interstate Mining Compact Commission expresses its deep appreciation to Toby Vinson for assisting the IMCC staff to assure a successful meeting.

Issued this 11th day of April, 2018

ATTEST:



Thomas L. Clarke
Executive Director

Resolution

Interstate Mining Compact Commission

A Resolution Concerning the SMCRA Title IV AML Emergency Program

BE IT KNOWN THAT:

WHEREAS, Title IV of the Surface Mining Control and Reclamation Act of 1977 (SMCRA) established the Abandoned Mine Land (AML) reclamation program; and

WHEREAS, The Interstate Mining Compact Commission (IMCC) is a multi-state organization representing the natural resource and environmental protection interests of its 26 member states, including the reclamation of land and water resources adversely affected by past mining and left in an abandoned or inadequately restored condition; and

WHEREAS, Pursuant to the cooperative federalism approach contained in SMCRA, many IMCC member states administer AML programs approved, funded and overseen by the Office of Surface Mining Reclamation and Enforcement (OSMRE) within the U.S. Department of the Interior; and

WHEREAS, Addressing AML emergencies such as mine subsidence, blow-outs, and landslides is the AML programs' highest priority in fulfilling the mission of SMCRA Title IV; and

WHEREAS, An AML emergency is defined as "a sudden danger or impairment related to coal mining that presents a high probability of substantial physical harm to the health, safety, or general welfare of people before the danger can be abated under normal AML program operation procedures" (30 CFR 700.5); and

WHEREAS, Nationally, hundreds of AML emergencies occur each year and, due to the tens of thousands of abandoned mines with the potential to cause sudden devastating impacts, these emergencies will continue to occur indefinitely; and

WHEREAS, The Title IV AML programs are typically the only government agencies with the ability to address AML emergencies; and

WHEREAS, The nature of AML emergencies makes planning difficult since the number and cost of the emergencies cannot be predicted; and

WHEREAS, Sections 401(g)(3) and 410 of SMCRA Title IV authorize OSMRE to declare and fund AML emergencies; and

WHEREAS, Prior to 2010, OSMRE provided supplemental emergency funding to state and tribal AML programs from OSMRE's federal share of AML fee collections, which allowed states to move quickly to address these dangers and safeguard the coalfield citizens whose lives and property were threatened; and

WHEREAS, In 2010, OSMRE discontinued funding for AML emergencies and notified the states that, going forward, emergencies must be funded from regular state title IV grants; and

WHEREAS, The need to divert state AML grant money away from projects intended to correct very hazardous non-emergency conditions in order to address emergencies seriously interferes with planning by state AML programs, making it more difficult to make progress toward reduction of AML inventories; and

WHEREAS, Minimum program states are particularly vulnerable to AML emergencies, as a single significant emergency event forces them to apply the entirety of their regular AML grant funding, which is already extremely limited, to the emergency instead of addressing other hazardous AML conditions according to their plans.

NOW THEREFORE BE IT RESOLVED, that the Interstate Mining Compact Commission:

Believes that OSMRE's assistance in funding AML emergencies from the federal share is crucial to the state and tribal AML programs' ability to adequately protect coalfield residents from the effects of AML emergencies

Urges the Trump Administration and Congress to direct OSMRE to reinstate AML emergency funding for the states from the federal share of AML fee receipts

Urges that the necessary funding for the AML emergency program be provided in OSMRE's budgets for FY 2020 and beyond, and that OSMRE make emergency program funding a top priority for discretionary spending.

Issued this 24th day of October, 2018

ATTEST:



Thomas L. Clarke
Executive Director

Resolution

Interstate Mining Compact Commission

A Resolution Concerning Reauthorization of Fee Collection Authority Under Title IV of the Surface Mining Control and Reclamation Act PL. 95-87

BE IT KNOWN THAT:

WHEREAS, Title IV of the Surface Mining Control and Reclamation Act of 1977 (SMCRA) established the Abandoned Mine Land (AML) reclamation program; and

WHEREAS, The Interstate Mining Compact Commission is a multi-state organization representing the natural resource and environmental protection interests of its 26 member states, including the reclamation of land and water resources adversely affected by past mining and left in an abandoned or inadequately restored condition; and

WHEREAS, pursuant to the cooperative federalism approach contained in SMCRA, many IMCC member states administer AML programs approved, funded and overseen by the Office of Surface Mining Reclamation and Enforcement (OSMRE) within the U.S. Department of the Interior; and

WHEREAS, SMCRA Title IV establishes a reclamation fee on each ton of coal mined in the United States to fund abandoned mine land reclamation; and

WHEREAS, Congress enacted amendments to SMCRA in 2006 to address, among other things, continued collection of AML fees and funding for state and tribal programs to address existing and future AML reclamation; and

WHEREAS, The reclamation fee authorized under SMCRA Title IV will expire by operation of law on September 30, 2021; and

WHEREAS, Since the enactment of SMCRA, as of September 30, 2018, 858,900 GPRA acres of AML hazards have been abated by the state and tribal AML programs; and

WHEREAS, The use of AML funding is diligently tracked by both the state and tribal AML programs and OSMRE; and

WHEREAS, All AML funding has been utilized for congressionally directed activities, with the vast majority being utilized to facilitate the reclamation of coal AML sites; and

WHEREAS, As of FY 2016, of the \$5.5 billion in AML grants provided to state and tribal AML programs, \$3.48 billion has been spent directly on construction of AML projects, \$1.02 billion has been spent on

designing and engineering AML projects, \$.48 billion has been spent on administrative costs, \$.29 billion has been spent on AMD set-aside, and \$.26 remains available for pending AML projects; and

WHEREAS, The AML programs strive for and have achieved efficiency in the use of AML grant funding, which is demonstrated by the fact that only 8% of AML grant funding has been utilized for the purpose of administrative costs; and

WHEREAS, As of September 30, 2018, there are 998,361 GPRA acres of AML hazards (totaling approximately \$10 billion in construction costs) that still need to be remediated; and

WHEREAS, Without the funding generated by the Title IV reclamation fee, these remaining AML hazards will not be addressed, prolonging indefinitely the subjection of our citizens and environment to the hazards associated with abandoned mine lands; and

WHEREAS, To enable to the states to continue reclaiming these serious AML hazards and safeguard residents of the nation's coalfields, reauthorization of SMCRA Title IV fee collection authority is a necessity.

THEREFORE BE IT RESOLVED,

That the Interstate Mining Compact Commission:

Strongly endorses reauthorization of Title IV reclamation fee collection authority to continue ongoing mandatory grants to states and tribes; and

Urges Congress to enact legislation reauthorizing Title IV fee collection authority for a period of fifteen years beyond September 2021; and

Strongly supports the continuation of states and tribes as the sole delivery mechanism for AML funds given their demonstrated 40-year history of effective and efficient program implementation; and

Advocates the consideration of other appropriate, related amendments to Title IV of SMCRA based on our twelve years of experience since enactment of the 2006 amendments (see related attachment); and

Will cooperate with OSMRE and interested and affected stakeholders to assess these additional potential amendments.

Issued this 24th day of October, 2018

ATTEST:



Thomas L. Clarke
Executive Director

Resolution

Interstate Mining Compact Commission

BE IT KNOWN THAT:

WHEREAS, The Interstate Mining Compact Commission's (IMCC) mid-year meeting in Biloxi, Mississippi was honored by the presence of The Honorable Joe Balash, Assistant Secretary for Land and Minerals Management, U.S. Department of the Interior; and

WHEREAS, Assistant Secretary Balash presented the opening remarks on October 22, 2018; and

WHEREAS, Assistant Secretary Balash shared valuable insights and information with the IMCC member states regarding his department's programs and policies, particularly as they affect state governments;

NOW THEREFORE BE IT RESOLVED:

That the Interstate Mining Compact Commission expresses its gratitude to Assistant Secretary Balash for his participation in making this year's mid-year meeting an outstanding success; and

That IMCC recognizes and appreciates Assistant Secretary Balash's strong support for cooperative federalism.

Issued this 24th day of October, 2018

ATTEST:



Thomas L. Clarke
Executive Director

Resolution

Interstate Mining Compact Commission

BE IT KNOWN THAT:

WHEREAS, The Interstate Mining Compact Commission's (IMCC) mid-year meeting in Biloxi, Mississippi was honored by the presence of Glenda Owens, Acting Director, Office of Surface Mining Reclamation and Enforcement; and

WHEREAS, Glenda Owens met with the states on October 22, 2018; and

WHEREAS, Glenda Owens shared valuable insights and information with the IMCC member states;

NOW THEREFORE BE IT RESOLVED:

That the Interstate Mining Compact Commission expresses its gratitude to Glenda Owens for her participation in making this year's mid-year meeting an outstanding success.

Issued this 24th day of October, 2018

ATTEST:



Thomas L. Clarke
Executive Director

Resolution

Interstate Mining Compact Commission

BE IT KNOWN THAT:

WHEREAS, James Matheny served as the host of the mid-year meeting for the Interstate Mining Compact Commission (IMCC) in Biloxi, Mississippi from October 22-24, 2018; and

WHEREAS, our host warmly welcomed and generously extended hospitality to all attendees, befitting the Hospitality State;

NOW THEREFORE BE IT RESOLVED:

That the Interstate Mining Compact Commission expresses its deep appreciation to James Matheny for assisting the IMCC staff to assure a successful meeting.

Issued this 24th day of October, 2018

ATTEST:



Thomas L. Clarke
Executive Director

Resolution

Interstate Mining Compact Commission

BE IT KNOWN THAT:

WHEREAS, The Interstate Mining Compact Commission's (IMCC) mid-year meeting in Biloxi, Mississippi was honored by the presence of The Honorable David Dockery, III, Ph.D., State Geologist of Mississippi, Director, Office of Geology, Mississippi Department of Environmental Quality; and

WHEREAS, David Dockery presented the welcoming address on October 22, 2018; and

WHEREAS, David Dockery shared valuable insights and information with the IMCC member states;

NOW THEREFORE BE IT RESOLVED:

That the Interstate Mining Compact Commission expresses its gratitude to David Dockery for his participation in making this year's mid-year meeting an outstanding success.

Issued this 24th day of October, 2018

ATTEST:



Thomas L. Clarke
Executive Director

Financial Reports

**Interstate Mining Compact Commission
Statement of Financial Position for the Year Ended June 30, 2018**

ASSETS

Cash	\$	217,395
Certificates of deposit		300,000
Accounts receivable		1,515
Interest receivable		2,315
Prepaid expenses and deposits		7,809
Property and equipment, net		6,934
Total assets	\$	535,968

LIABILITIES AND NET ASSETS

<p>Liabilities:</p>		
Accounts Payable		-
Accrued vacation		3,461
Deferred revenue		264,220
Total liabilities		267,681
Net assets:		
Unrestricted		268,287
Total net assets		268,287
Total liabilities and net assets	\$	535,968

Financial Reports

**Interstate Mining Compact Commission
Statement of Activities
For the Year Ended June 30, 2018**

Unrestricted revenue and support	
Assessments	\$699,284
Government grants and contracts	30,000
Conferences and meetings	42,165
Interest income	4,821
Other income	1,649
Total revenue and support	777,919
Expenses	
Government programs	30,000
Administrative and general	822,913
Total expenses	852,913
Change in net assets	(74,994)
Net assets, beginning of year	343,281
Net assets, end of year	\$268,287

Financial Reports

Interstate Mining Compact Commission
Schedule of Comparison of Expenses and Budget
For the Year Ended June 30, 2018

Description	Government Programs	Administrative & General	Totals	Budget	Variance Over (Under)
Salaries	\$30,000	\$495,202	\$525,202	\$475,000	50,502
Employee Benefits	-	151,118	151,118	123,000	28,118
Rent	-	44,031	44,031	45,000	(969)
Annual Conference	-	38,864	38,864	36,500	2,364
Conference and Meetings	-	21,368	21,368	-	21,368
Other Meetings	-	479	479	-	479
Travel	-	26,457	26,457	25,000	1,457
Contractual Services	-	2,880	2,880	-	2,880
Publications	-	4,744	4,744	4,000	744
Telephone	-	7,575	7,575	8,000	(425)
Accounting	-	4,750	4,750	-	4,750
Auditing	-	5,294	5,294	6,000	(706)
Bank Charges	-	15	15	-	15
Postage	-	1,069	1,069	2,500	(1,431)
Equipment Expenses	-	1,292	1,292	2,000	(708)
Office Supplies	-	4,041	4,041	3,500	541
Other Expenses	-	3,987	3,987	3,500	487
Insurance	-	5,205	5,205	5,000	205
Printing	-	398	398	2,000	(1,602)
Registration Fees and Subscriptions	-	400	400	1,000	(600)
Utilities	-	1,330	1,330	2,000	(670)
Depreciation	-	2,414	2,414	-	2,414
Total Expenses	\$30,000	\$822,913	\$852,913	\$709,000	\$108,913

Member State Permitting Data

PERMITS ISSUED AND ACRES OF LAND DISTURBED AND RECLAIMED JANUARY 1 - DECEMBER 31, 2018 FOR COAL SURFACE MINING

State/Enforcement Agency	# Permits Issued	# Acres Permitted	# Acres Disturbed	# Acres Reclaimed
Alabama Surface Mining Commission	4	976	785	4554
Alaska Dept. of Natural Resources	1	0	30	0
Arkansas Dept. of Environmental Quality	4	1,688	1,688	4 (56.79 under phase I bond release)
Colorado Division of Reclamation, Mining & Safety	6 (renewals) 0 (new)	166,905	16,963	N/A ¹
Illinois Dept. of Natural Resources, Office of Mines & Minerals	3	1,450	496	217
Indiana Dept. of Natural Resources, Division of Reclamation	0 ²	12,958.7 ³	1,840.3 ⁴	5,319.56
Kentucky Dept. for Natural Resources, Division of Mine Permits	17 (new) ⁵	11,780.06	209,247.70	9,588.91
Louisiana Dept. of Natural Resources, Office of Conservation	0	0	37,255	0
Maryland Bureau of Mines	0	306 ⁶	224 ⁶	89 ⁶
Mississippi Dept. of Environmental Quality, Office of Geology, Mining and Reclamation Div.	0	11,899	4,700	0
Missouri Department of Natural Resources, Land Reclamation Program	0	0	72	73
New Mexico Energy, Minerals & Natural Res. Dept., Coal Mine Reclamation Program ⁷	0	0	220	34
North Dakota Public Service Commission	0 ⁸	1995	1611 ⁹	1413 ¹⁰
Ohio Dept. of Natural Resources, Division of Mineral Resources Management	3 (new) ¹¹	2,250.3	21,384.3 ¹²	1,446 ¹³
Oklahoma Dept. of Mines	1 ¹⁴	20,323	9,280	149
Pennsylvania Dept. of Environmental Protection	25	4,425	2,466	2,055
Texas Railroad Commission	2 (total); 1 (new) 1 (renewal)	315,188.1 (on 12/31/18)	2,082.7 (disturbed) 1,713.9 (mined)	5,632.3 (phase III released)
Utah Division of Oil, Gas and Mining	25	91,866 ¹⁵	2,894	1.19 (phase III bond release)
Virginia Dept. of Mines, Minerals & Energy, Division of Mined Land Reclamation	41 (total); 5 (new); 36 (transfers)	74,217.99	52,171.71 (59,878.16 acres bonded)	1,256.99 (32,735.85 total reclaimed and currently bonded)
West Virginia Dept. of Environmental Protection, Division of Mining and Reclamation	15	5,360 (2018) 335 (total)	137,832 ¹⁶	2,059 (phase III released)
Wyoming Dept. of Environmental Quality, Land Quality Division	0 (new) ¹⁷	0 (new) ¹⁸	2662	2861

See footnotes on following page...

¹ Data not available

² No new permits – added acres to existing permits

³ 3 Significant revisions adding acres to existing permits

⁴ Acres mined-1,605.8 acres, Acres disturbed-234.5 acres, =1,840.3 acres total

⁵ 352 total permitting actions approved in 2018 including: 274 minor revisions, 35 major revisions, 26 amendments, and 12 original/new

⁶ Acres reported are actual acres bonded, disturbed, or bond released during calendar year 2018

⁷ The numbers shown are for permitting and mining/reclamation activity taking place during calendar year 2018. These numbers do not represent cumulative acreage. Reclaimed lands mean that full bond release has been approved.

⁸ No new permits issued in 2018 but several revisions to add acreage to existing permits were approved.

⁹ Acres disturbed only includes those areas that were disturbed by mining activities in 2018.

¹⁰ Acres reclaimed includes those areas in which were seeded in 2018 – does not include bond release areas.

¹¹ 5 adjacent areas; 2 incidental boundary revisions

¹² Sum of coal “reclamation due” plus “to be affected” through 12/31/2018 (602.9 new coal acres bonded January 1, 2018 – December 31, 2018)

¹³ Phase III acres released January 1, 2018 through December 31, 2018

¹⁴ Permits on IUL – 55; Revisions approved – 13; Pending permits – 2

¹⁵ This reflected the total permitted acres of all mines at the end of 2018.

¹⁶ Means the total number of disturbed areas, including acreage disturbed and reclaimed but not yet receiving final bond release, associated with permits that as of 12/31/2018 were not final released or revoked.

¹⁷ 2 existing permits added new acres.

¹⁸ 11,377 acres added to 2 existing permits.

Member State Permitting Data

PERMITS ISSUED AND ACRES OF LAND DISTURBED AND RECLAIMED JANUARY 1 - DECEMBER 31, 2018 FOR NONCOAL SURFACE MINING

State/Enforcement Agency	# Permits Issued	# Acres Permitted	# Acres Disturbed	# Acres Reclaimed
Alabama Department of Labor ¹	367 (17 new) (350 renewals)	16,207	17,500	248
Alaska Dept. of Natural Resources	11	416	225	0
Arizona State Mine Inspector ²	8 (new)	125,592+ (all reportable years)	1,030	661
Arkansas Dept. of Environmental Quality	21	4,539	3,997	839
Colorado Division of Reclamation, Mining & Safety	29 (new); 1,370 (total)	2,533.6 (new) 191,386.2 (total)	2,324.35 (new) 115,605.8 (total)	1,101.7 (total 2018)
Illinois Dept. of Natural Resources, Office of Mines & Minerals, Explosives & Aggregates Div.	13	563.95	432+	660.26
Indiana Dept. of Natural Resources, Division of Reclamation	6	588.75	10	3
Kentucky Dept. for Natural Resources, Division of Mine Reclamation and Enforcement	39	41,165.705	20,382.285	182.89
Maryland Bureau of Mines	37	2,721	25,870	7,987.89
Mississippi Dept. of Environmental Quality, Office of Geology, Mining and Reclamation Div.	32	1,217.93	N/A	829.08
Missouri Department of Natural Resources, Land Reclamation Program	385	34,177	34,177	1,303
New Mexico Energy, Minerals and Natural Resources Dept., Mined Land Reclamation Prog. ³	14	30	161	23
New York State Dept. of Environmental Conservation, Div. of Mineral Resources	27 (new in 2018); 1,854 (total active)	152,102 (total) ⁴	62,414 (total) ⁴	836 (2018) 38,227 (total) ⁴
North Carolina Dept. of Environmental Quality, Dept. of Energy, Mineral, and Land Resources	778	130,186	77,486	2,287
Ohio Dept. of Natural Resources, Division of Mineral Resources Management	6 (new) ⁵	1,312.5	907.9 ⁶	600 ⁷
Oklahoma Dept. of Mines	63 ⁸	158,885	64,599	1,281
Pennsylvania Dept. of Environmental Protection	46	909	582	479
South Carolina Dept. of Health and Environmental Control	44	5,146.5	2,596	1,607.7
Tennessee Division of Water Resources – Mining Section	20	5249	3936	368
Utah Division of Oil, Gas and Mining ⁹	21	67,538	67,538	93
Virginia Dept. of Mines, Minerals & Energy, Division of Mined Land Reclamation	439	77,795	40,055	3,027
West Virginia Dept. of Environmental Protection, Division of Mining and Reclamation	0	0 (2018) 12,726 (total)	6,604 ¹⁰	186 (phase III released)
Wyoming Dept. of Environmental Quality, Land Quality Division	3 (new) ¹¹	592 (new) ¹²	N/A	N/A

See footnotes on following page...

¹ 49 active limestone, 3 active dolomite, and 300 active chert pits are not included or regulated.

² Source: 2018 Mined Land Reclamation Report to the Arizona Governor’s Office. Arizona State Mine Inspector only reports for private lands in Arizona. Number of permits issued both hardrock mining and aggregate mining (sand and gravel). Many of the facilities are continuing. Data reported includes both hardrock mining and aggregate mining (sand and gravel). Many of the facilities are continuing.

Total acreage disturbed by hardrock mining through all reportable years – 75,558 acres

Total new acreage disturbed by hardrock mining in 2018 – 837.28 acres

Total acreage reclaimed by hardrock mining in 2018 – 627 acres

Total acreage approved for aggregate use – 50,034 acres over all reportable years, with 19,277 acres having been disturbed

Total new acreage disturbed by aggregate use – 192 acres

Acreage reclaimed by aggregate use – 1,616 through all reportable years

Acreage reclaimed by aggregate use in 2018 – 34.37 acres

³ The permits issued represent revisions(3), modifications (21), minimal impact mine (2), exploration (2), and general permits (2). Non-Coal does not include sand and gravel operations, potash. Acres reclaimed means regrading and seeding has occurred, not necessarily bond release. The numbers shown are for permitting and mining/reclamation activity taking place during calendar year 2018. These numbers do not represent cumulative acreage. The percentages for Use of Land Following Reclamation are for mined lands reclaimed in 2018. The following numbers indicate total cumulative acreage for disturbed acreage and total reclaimed acreage, end of 2018: Total disturbed = 26,567; Total reclaimed = 7,078

⁴ Total statewide acreage figures since NYS Mined Land Reclamation Law enacted in 1975

⁵ 9 adjacent areas

⁶ Non-coal mineral acres bonded January 1, 2018 through December 31, 2018

⁷ IM-7 acres released January 1, 2018 through December 31, 2018

⁸ Amendments issued – 50; Transfers issued – 6; Limited use permits issued – 39; Permits on IUL – 755

⁹ Total permits – 557

¹⁰ Means the total number of disturbed areas, including acreage disturbed and reclaimed but not yet receiving final bond release, associated with permits that as of 12/31/2018 were not final released or revoked.

¹¹ 14 permits added new acres.

¹² 7,162 acres added to permits.

3 Member State Reclaimed Land Use Data

USE OF LAND FOLLOWING RECLAMATION (PERCENT) JANUARY 1 - DECEMBER 31, 2018 FOR COAL SURFACE MINING

State	Pasture	Wildlife	Forest	Commercial	Other
Alabama ¹	0	2	9	1	88 ²
Alaska	0	100	0	0	0
Arkansas	50	25	0	0	25
Illinois	18	49	0	32	1
Indiana	3.86 (8,205.16 acres)	23.05 (1,226.4 acres)	20.67 (1,099.6 acres)	0.01 (6 acres)	52.31 (2,782.4 acres) ³
Kentucky	38	39	20	1	2
Louisiana	0	0	0	0	0
Maryland	60	0	40	0	0
Mississippi	0	0	0	0	0
Missouri	0	73	0	0	0
New Mexico	N/A	100	N/A	N/A	N/A
North Dakota	34	3	1	6	56
Ohio	89	0	0	4	7
Oklahoma	70	0	0	0	30 ⁴
Pennsylvania ⁵	30	5	50	2	13
Texas	72.1 (4,061 acres)	2.7 (152.4 acres)	0	16.8 (944.2 acres)	8.4 (474.7 acres) (DWR)
Utah	0	0	0	0	100 ⁶
Virginia	0	2 (14.08 acres)	87 (729.81 acres)	0	11 (97.66 acres) ⁷
West Virginia	2	35	30	12	21 ⁸
Wyoming	0	0	0	0	95

¹ Land use percentages based on the 4554 acres that were Phase III bond released in 2018

² Other – Primarily underdeveloped/no current land use.

³ For Coal “Other” land uses includes: Cropland=2,342.1 acres. Water=380.6 acres. Residential=5.8 acres. Roads=53.9 acres.

⁴ 0.5% Water Resource; 29.5% Undisturbed

⁵ Land Use Percentages are estimates based on observations.

⁶ Grazing and wildlife

⁷ Other includes: 76.45 acres industrial gas wells – pipelines; 4.43 acres public use – public roads; 16.78 acres public use – buildings and facilities

⁸ Of the 21% “other”: 78% is combined use (i.e. two or more land uses on one permit) with the remaining 22% being a category other than listed above.

Member State Reclaimed Land Use Data

USE OF LAND FOLLOWING RECLAMATION (PERCENT) JANUARY 1 - DECEMBER 31, 2018 FOR NONCOAL SURFACE MINING

State	Pasture	Wildlife	Forest	Commercial	Other
Alabama	55	3	40	2	0
Alaska	0	100	0	0	0
Arkansas	9	16	17	3	51 ¹
Colorado	65 ²	13	0	2	20
Illinois	59	8	0	11	22
Indiana	0	100 (3 acres)	0	0	0
Kentucky	25	6	6	5	58
Maryland	60	10	5	50	0
Mississippi	20	40	40	0	0
Missouri	46	19	0	21	14
New Mexico	0	100	0	0	0
New York	0	39.8	0	10.5	49.7 ³
North Carolina	4	4	4	4	4
Ohio	35	32	0	9	24
Oklahoma	96	0	0	3	1
Pennsylvania ⁵	10	5	10	15	60
South Carolina	47 (744.6 acres)	9 (146 acres)	10 (156 acres)	1 (15 acres)	33 (546.1 acres) ⁶
Tennessee	100	0	0	0	0
Utah	0	100	0	0	0
Virginia	15	0	0	77	8
Wyoming	0	0	0	0	95

¹ Water bodies

² Rangeland (26 sites) included in pasture land (4)

³ Includes 21.97% agricultural farmland and 27.8% wetland/lake

⁴ 2,287 acres. North Carolina does not breakout how the land was reclaimed.

⁵ Land Use Percentages are estimates based on observations.

⁶ Includes: 352 acres reclaimed as lakes/ponds; 190.1 acres reclaimed as park; 4 acres reclaimed as residential

2018 Kenes C. Bowling Reclamation Award Winners

2018 Winners

The Compact's annual reclamation awards were presented during the awards banquet held in conjunction with the 2018 Annual Meeting in Charlotte, North Carolina. The awards were established to recognize companies and individuals for their outstanding achievements in reclamation. The reclamation awards are presented in two main categories, coal and noncoal. Award winners are presented with an engraved plaque of recognition.

Coal Category Winner:

Peabody Energy – Wild Boar Mine – Barren Fork Pit, Permit # S-00360 (Indiana)

Noncoal Category Winner:

Freeport-McMoRan, Inc. – Copper Queen Mine (Arizona)

Small Operator Category Winner:

Gillies Creek Industrial Recycling – Bottoms Bridge Mine (Virginia)

2018 Honorable Mention Recipient:

Noncoal Category:

Pete Lien & Sons, Inc. – Rifle Quarry, CDRMS Permit # M-1985-038 (Colorado)

2018 Minerals Education Award Winners

2018 Winners

The Compact's annual minerals education awards were presented during the awards banquet held in conjunction with the 2018 Annual Meeting in Charlotte, North Carolina. Annually, the mining educator awareness award is presented to a teacher or school from one of the Compact's member states. The winner receives an engraved plaque and a \$500 award to go toward teaching materials. The public outreach award is presented to an industry, environmental, citizen, or other group from one of the Compact's member states, or to a member state government body. The public outreach award winner is presented with an engraved plaque of recognition.

Mining Awareness Educator Category Winner:

Jerome (Jerry) Zaykoski
Minerals Manager, Region 6
New York State Department of Environmental Conservation

Public Outreach Category Winner:

The Colorado Mining Association Education Foundation

2018 Mine Safety & Health Training Award Winners

2018 Winners

The Compact's annual mine safety and health training awards were presented during the awards banquet held in conjunction with the 2018 Annual Meeting in Charlotte, North Carolina. The awards were established to recognize excellence in mine safety and health training programs and materials. The mine safety and health training awards are presented in two main categories, a state award and an industry award, each including four subcategories: coal surface, coal underground, metal/nonmetal surface, and metal/nonmetal underground, for a potential of up to four awards to be presented annually in each of the two categories. Award winners are presented with an engraved plaque of recognition.

State Award Winners:

Coal Category – Surface Mining:

Virginia Department of Mines, Minerals and Energy – Division of Mines

Coal Category – Underground Mining:

Virginia Department of Mines, Minerals and Energy – Division of Mines

Metal/Nonmetal Category – Surface Mining:

Colorado Division of Reclamation, Mining and Safety

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